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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,217	06/05/2001	Koichi Toyoda	040373/0304	4020
22428	7590	06/06/2006		
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER VAN DOREN, BETH	
			ART UNIT 3623	PAPER NUMBER

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,217

Applicant(s)

TOYODA ET AL.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-12 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-12 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's after-final submission filed on 04/11/2006 has been entered.

2. The following is a non-final office action in response to the request for continued examination filed 05/18/2006. By this request, the claim amendments filed after final on 04/11/2006 have been entered. Claims 1, 7, and 16 have been amended. Claims 5-6 have been canceled. Claims 1-4, 7-12, and 16 are now pending in this application.

Response to Amendment

3. Applicant's amendment to claim 16 is sufficient to overcome the 35 USC § 101 rejection set forth in the previous office action.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "means for searching dispatchable temporary worker information registered therein when job offer information, that includes information on at least one new

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dispatchable temporary worker is transmitted from the job offer terminal and, if said at least one new dispatchable temporary worker provided in said dispatchable temporary worker information has a skill set that matches said job offer information...". From this claim language, it is unclear if the information on a new dispatchable temporary worker is included in the job offer information or within the dispatchable temporary worker information. Based on the earlier limitations of the claim, it appears that information concerning temporary workers is maintained by the dispatching terminal and by the dispatching information server. Therefore, examiner has construed that the information on a new dispatchable temporary worker is included on the dispatchable temporary worker information and the dispatching information server side. This interpretation is supported by the amendment to claim 7. Clarification is required.

Claims 2-4 depend from claim 1 and therefore contain the same deficiencies.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-4, 7-12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arrowood (U.S. 2002/0010614).

As per claim 1, Arrowood teaches a temporary worker information management system comprising a network, a dispatching terminal connected to the network, a job offer terminal connected to the network, connected to the network, and a dispatching information server connected to the network,

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said dispatching terminal comprising:

means for transmitting dispatchable temporary worker information representing the number of dispatchable temporary workers, a skill thereof, and a dispatchable period, which have been entered, to said dispatching information server when a dispatchable temporary worker availability request occurs in an organization (See paragraphs 0014, 0061, 0063-4, 0109-0115, wherein the employee information is stored in the system (i.e. skills, ratings, etc.) and the client transmits information concerning the need for temporary worker(s), including the number of workers, the skills of the workers, the duration, etc);

means for displaying job offer information representing the desired number of dispatched temporary workers, a desired skill thereof, and a desired dispatching period, transmitted from said dispatching information server (See figures 21-2, wherein the information is displayed);

said job offer terminal comprising:

means for transmitting job offer information representing the number of temporary workers desired to be dispatched, a skill thereof, and a desired dispatching period, which have been entered, to said dispatching information server when a request for a temporary worker occurs (See figures 21-22, paragraphs 0014, 0109-0115, wherein the request is transmitted over the network); and

means for displaying dispatchable temporary worker information transmitted from said dispatching information server (See figures 21-22, paragraphs 0014, 0109-0116, and 0121, wherein temporary worker information is displayed);

said dispatching information server comprising:

means for registering dispatchable temporary worker information transmitted from said dispatching terminal (See paragraphs 0014, 0064, 0067, 0110-5, wherein the worker information is registered and stored);

means for registering job offer information transmitted from said job offer terminal (See paragraphs 0061, 0063, 0112-0113, wherein the job offer information is registered with the system and stored);

means for searching job offer information registered therein when dispatchable temporary worker information is transmitted from said dispatching terminal, and, if there is job offer information that matches said dispatchable temporary worker information, transmitting said dispatchable temporary worker information to said job offer terminal which has registered the matching job offer information (See paragraphs 0014, 0016, 0110-2, wherein a search occurs using the databases of the system); and

means for searching dispatchable temporary worker information registered therein when job offer information is transmitted from said job offer terminal, and, if there is dispatchable temporary worker information that matches said job offer information, transmitting the matching dispatchable temporary worker information to said job offer terminal (See paragraphs 0014, 0016, 0110-2, wherein a search occurs using the databases of the system); and

means for transmitting evaluation information of a particular dispatchable temporary worker as output by said job offer terminal and as received by said dispatching information server, and to update the dispatchable temporary worker information for the particular dispatchable temporary worker as stored in a memory which also store the dispatchable temporary worker information transmitted from said dispatching terminal (See paragraphs 0017,

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0055, 0062, 0064, 0075-6, 0095, 0122-3, which discuss different types of evaluation information maintained in the system, this evaluation information transmitted and viewable as output. See also paragraphs 0014, 0017, 0141-2, which discloses updating employee information).

Further, Arrowood discloses creating employee profiles, searching the temporary employee database for employee profiles to fill requested orders by clients, and assigning temporary employees to jobs based on the orders, the assignment expiring after a fixed amount of time. Arrowood therefore discloses new dispatchable temporary workers being added to the system, the workers' having profiles including skill sets (See paragraphs 0014, 0016, 0110-3). However, Arrowood does not expressly disclose that the new dispatchable temporary worker is specifically matched with currently registered job offer information.

Arrowood discloses that job offer information is used to search the databases of the system for a worker to temporarily fill client requests. Arrowood further discloses that new employee profiles can be added to the system, and then searched when a job request is received. It is well known in the order fulfillment to store requests as "pending" until a resource (such as an employee) is found to fulfill such an order. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention match the newly added temporary employee to currently registered (i.e. pending) job offer information in the system of Arrowood in order to increase the ease of future staffing through the use of an automated system. See paragraphs 0004 and 0014.

As per claim 2, Arrowood teaches said dispatching information server comprising means for authenticating the user based on the registered user information when said dispatching

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information server is logged in (See paragraphs 0066-0071, 0141-2, wherein the user is authenticated), and

wherein the evaluation information is provided along with the dispatchable temporary worker information to subsequent job offer information requests output from said job offer terminal (See paragraphs 0062, 0064, 0075-6, 0095, 0122-3, which discloses the evaluation information being provided to the client for a subsequent job request).

As per claim 3, Arrowood teaches each of a temporary worker dispatcher and a temporary worker recipient that are each members of an online system (See paragraphs 0014, 0066-0071, 0141-2). However, Arrowood does not expressly disclose that the members pay a fixed membership fee and a predetermined ratio of a dispatching cost to an administrator of this system.

Arrowood discloses that a client (i.e. company needing a temporary employee) may request and search for a temporary employee, the temporary employee and the client both registered with the system. It is old and well known to require fee for service. It would have been obvious to one of ordinary skill in the art at the time of the invention to charge both the client and the temporary employee for their user accounts maintained by the system as well as the services the system provides in order to more efficiently support the operations of the system and also provide an element of quality control as only serious users will utilize the system.

As per claim 4, Arrowood teaches wherein said dispatching terminal, said job offer terminal, and said dispatching information server are installed in a company or companies which cooperate with each other (See paragraphs 0014-5, 0049, 0067-70, 0099-0101, 0115-0116, 0119, wherein the terminals are installed in a company or companies that cooperates).

Claims 7-9, 10, and 16 recite equivalent limitations to claims 1-3, 4, and 1, respectively, and therefore rejected using the same art and rationale as applied above.

As per claim 11, Arrowood et al. teaches wherein said job offer terminal further comprises:

transmitting an entered evaluation report on an evaluation of the skill of a dispatched temporary worker to said dispatching information server via said network (See paragraphs 0017, 0055, 0062, 0064, 0075-6, 0095, 0122-3, where evaluations of employees are transmitted and stored via the network);

generating dispatching contract evaluation information which reflects details of an evaluation report transmitted from said job offer terminal via said network (See paragraphs 0062-4, 0075-7, 0095, 0099-101, 0122, 0126, wherein information is generated that details the evaluation reports. See also figures 23-25, 27, 30-31);

registering the generated dispatching contract evaluation information in said dispatching information server (See paragraphs 0017, 0055, 0062, 0064, 0075-6, 0095, 0122-3, which discuss different types of evaluation information maintained in the system, this evaluation information transmitted and viewable as output. See also paragraphs 0014, 0017, 0141-2, which discloses updating employee information by registering profile information in the system);

transmitting the generated dispatching contract evaluation information to said dispatching terminal via said network (See paragraphs 0017, 0055, 0062, 0064, 0075-6, 0095, 0122-3. See also paragraphs 0014, 0017, 0141-2);

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transmitting an entered dispatching contract evaluation information referring request from said job offer terminal to said dispatching information server (See paragraphs 0062-4, 0075-7, 0095, 0099-101, 0122, 0126, wherein evaluation information is entered and transmitted);

transmitting an entered dispatching contract evaluation information referring request from said dispatching terminal to said dispatching information server via said network (See paragraphs 0062-4, 0075-7, 0095, 0099-101, 0122, 0126, wherein evaluation information is entered and transmitted);

transmitting dispatching contract evaluation information registered in said dispatching information server to said dispatching terminal and said job offer terminal via said network in response to dispatching contract evaluation information referring requests transmitted from said dispatching terminal and said job offer terminal (See paragraphs 0062-4, 0075-7, 0095, 0099-101, 0122, 0126, wherein information is generated that details the evaluation reports. See also figures 23-25, 27, 30-31);

displaying dispatching contract evaluation information transmitted from said dispatching information server via said network on said job offer terminal (See figures 23-25, 27, 30-31, which displays evaluation information);

displaying dispatching contract evaluation information transmitted from said dispatching information server (See figures 23-25, 27, 30-31, which displays evaluation information).

As per claim 12, Arrowood teaches wherein said dispatching information server comprises means for registering user information of a user of the temporary worker information management system in advance, and authenticating the user based on the registered user

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information when said dispatching information server is logged in (See paragraphs 0064, 0066-0071, 0141-2, wherein the user is registered and authenticated).

Response to Arguments

15. Applicant's arguments with respect the rejections based on Arrowood (U.S. 2002/0010614) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that Arrowood does not teach or suggest (1) providing new dispatchable temporary workers to employers that are already registered in the system and that have jobs that meet the skills of the new dispatchable temporary worker.

In response to argument (1), Examiner points out that this concept is addressed in the new art rejections established above, as necessitated by amendment. Arrowood discloses creating employee profiles, searching the temporary employee database for employee profiles to fill requested orders by clients, and assigning temporary employees to jobs based on the orders. Arrowood therefore discloses new dispatchable temporary workers being added to the system, the workers' having profiles including skill sets. See paragraphs 0014, 0016, 0110-3. Since storing a "pending" request by a system until a resource to fill such a request is found is well known in order fulfillment, it would have been obvious to one of ordinary skill in the art at the time of the invention match the newly added temporary employee to currently registered (i.e. pending) job offer information in the system of Arrowood in order to increase the ease of future staffing through the use of an automated system. See paragraphs 0004 and 0014.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lesaint et al. (U.S. 6,578,005) discloses allocating resources to tasks to generate the best schedule of technicians.

Jacobs et al. (U.S. 2002/0010615) teaches scheduling dispatchable technicians to work orders based on technician skill or equipment needed.

Harrison (U.S. 2003/0069797) discloses service/work requests and matching technicians to pending work orders.

Kocur (U.S. 5,913,201) discloses scheduling using an automated dispatching system for a plurality of tasks and dispatching workers to jobs based on skills, locations, etc.

Sisley et al. (U.S. 5,467,268) discloses assigning workers (based on skills, location, etc.) to pending work requests.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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May 25, 2006

Beth Van Doren
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Patent Examiner
AU 3623